

D/L. 8.
August 1, 2023.
MNS.

WPA No. 15033 of 2023

Avijit Mukhopadhyay
Vs.
CESC Limited and others

Mr. Bidyut Kumar Halder,
Mr. Indranil Halder

... for the petitioner.

Mr. Debanjan Mukherji

...for the CESC Limited.

Mr. Soujanya Bandyopadhyay

...for the respondent no. 5.

A report of the District Engineer, Howrah, filed today by learned counsel for the CESC Limited be kept on record.

It appears from the said report that the condition of the existing meter room is extremely dangerous and dilapidated and the ceiling shed is also damaged, through which water is entering into the room, especially during monsoon, exposing the entire room to danger.

One meter, it is stated, is hanging dangerously, which is prone to electrical hazards. A new lock has been affixed to the meter board

room by police personnel, who have allegedly kept the key with them.

However, it has also been mentioned in the report that the petitioner has shown during inspection a new room, which can be used as a meter room for the purpose of shifting the existing connections, which would take care and redress the apprehension of electrical hazard.

However, learned counsel for the CESC Limited submits that unless consent is obtained from all the consumers, whose meters are located in the existing meter room, the shifting work cannot be undertaken.

Learned counsel for the respondent no. 5 submits that the said respondent is only aggrieved if the common passage or any portion occupied by the respondent no. 5 is disturbed while shifting such meters.

It transpires, from a comprehensive perusal of the report of the CESC Limited, that the CESC Limited itself has complained that the existing meter room is in a precarious condition, which may give rise to electrical hazards at any moment. It is expected that the CESC Limited, being the Licensee, ought to initiate itself due proceedings, asking the consumers to have their

meters shifted to an alternative location due to the imminent electrical hazard at the existing meter room, since the CESC Limited has exclusive domain over the meters concerned and is also duty bound under the law to ensure safety and security in respect of their apparatus.

Of course, the CESC Limited is not required to go into the question whether there are electrical hazards beyond its area of authority, the present predicament is concerned, but it is duty-bound to ensure safety and security regarding its meters.

In any event, the hazardous condition, in which the current meter room is in, does allow for further delay in shifting the meters to the newly constructed room, which has been identified as the new meter room by the petitioner.

However, for the ends of justice, all the present consumers having their meters in the existing meter room shall have to have access to the newly mentioned meter room as well.

Accordingly, WPA No. 15033 of 2023 is disposed of by directing the CESC Limited to shift all the electricity meters which are affixed within the existing, dilapidated meter room of the premises-in-question to the new meter room

identified by the petitioner, as reflected in the report filed by the CESC Limited.

Such shifting shall be completed within one month from date. Prior to such shifting, all the consumers of the CESC Limited, who have existing meter(s) in the present, dilapidated meter room shall be notified of such shifting by the CESC Limited, which notices shall be given preferably within a week from date, indicating the said shifting, citing this order and the safety hazards in the current meter room, as reflected in the report filed by the CESC Limited in court.

If necessary, the CESC Limited would be at liberty to annex server copies of this order with their communications, also citing the hazardous condition and annexing copies of the report filed today by the CESC limited.

Upon such communications being made to all the existing consumers, the shifting shall be completed within a month from date.

If any resistance is offered from any quarter, it will be open to the CESC Limited personnel to approach the Officer-in-Charge, Bantra Police Station, the respondent no. 3 herein, to provide adequate police assistance to

the CESC Limited personnel for shifting such meters, at the costs of the petitioner.

If necessary, any lock or other hindrance put up at the existing meter room or the newly constructed meter room, where the meters will be shifted, shall be removed by the police personnel for enabling the CESC Limited personnel to undertake such shifting work.

It is further made clear that, upon such shifting being concluded by the CESC Limited personnel, the petitioner shall affix a lock at the entrance of the new meter room and hand over keys to the lock affixed to the said meter room, in the presence of the CESC Limited personnel, to all the consumers whose meters have been shifted to the said new meter room.

The shifting charges, needless to mention, shall be borne by the petitioner.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)